

Applicants further note with appreciation the Examiner's consideration of all of the documents cited in the various Information Disclosure Statements filed in the present application by the return of the initialed and signed copies of the PTO-1449 Forms accompanying each of the Information Disclosure Statements filed herein.

Applicants further note with appreciation the Examiner's acknowledgment of Applicants' claim for foreign priority under 35 U.S.C. § 119 and filing of certified copies.

Applicants have submitted three new claims to clarify the features of the claimed invention. The features in new independent claims 12 and 14 include, inter alia, that during a time after a handover starts and until it ends, a mobile station combines a signal from a base station from which the handover starts and a signal from a base station at which the handover ends. Another feature of independent claims 12 and 14 is that a base station from which the handover starts gradually reduces a power level of the signals sent to the mobile station as the mobile station moves further from the base station, while the base station at which the handover ends gradually increases the power level of the signals sent to the mobile station as the mobile stations moves closer thereto.

The above-described configuration enables the mobile station, while performing a handover, to keep the combined signals at a desired quality level. Moreover, since a base station does not transmit signals at excessive transmission power levels, the total volume of

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transmission power in a radio communication system can be reduced so as to improve system capacity.

In the outstanding Official Action, the Examiner has rejected claims 1, 2, 4-9 and 11 under 35 U.S.C. § 102(e) as being anticipated by KIM et al. (U.S. Patent No. 6,304,562). The Examiner has further rejected claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over KIM et al. in view of GILHOUSEN (U.S. Patent No. 5,943,014). Applicants respectfully traverse the above rejections and submit that they are inappropriate.

KIM et al. discloses a Code Division Multiple Access (CDMA) communication system in which, when a mobile station is engaged in a handover, different transmission power bits are transmitted from the mobile station to a plurality of base stations. These power bits are use to control the transmission power of these base stations independently from one another.

GILHOUSEN discloses temporarily raising a power of signals transmitted from a mobile station so as to measure a location of the mobile station using these signals.

There is no suggestion or disclosure in either KIM et al. or GILHOUSEN (or in any proper combination thereof) to gradually reduce the power level of the signals to the mobile station as the mobile station moves further from the base station from which the handover starts while the base station at which the handover ends gradually increases the power level of the signals for the mobile station as the mobile station moves closer thereto.

Absent a disclosure in a single reference of each and every element recited in a claim, a *prima facie* case of anticipation cannot be made under 35 U.S.C. § 102. Since the applied references fail to disclose each and every element recited in independent claims 12 and 14 and the claims dependent therefrom, these claims are not anticipated thereby. Accordingly, the Examiner is respectfully requested to withdraw the rejection under 35 U.S.C. § 102(e).

Moreover, there is no suggestion or disclosure in KIM et al. or GILHOUSEN separately or in any proper combination that render obvious the features of the present claimed invention.

Additionally, it is noted that new claims 12-14 add no prohibited new matter. These claims find support at, inter alia, page 11, line 14 through page 20, line 26 of the specification.

New dependent claim 13 is dependent from allowable independent claim 12 which is believed to be allowable for at least the reasons discussed *supra*. Thus, this dependent claim is also allowable at least for the reason that it recites additional features which further define the present invention over the references of record.

Thus, Applicants respectfully submit that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate the allowance of each and every pending claim in the present application.

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A Request for Approval of Drawing Amendment is attached. The Request includes copies of the Figures with the proposed changes indicated in red ink. In particular, applicant has amended Figures 1-5 by adding the label "Prior Art." These changes to Figures 1-5 are merely to correct the Figures in accordance with the Patent and Trademark Office practice. They do not introduce prohibited new matter into the disclosure of the present application. Accordingly, entry and approval for the revised Figures is respectfully requested.

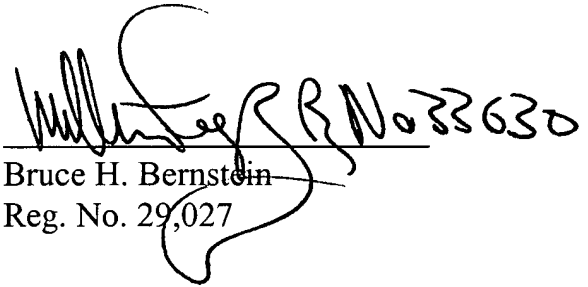
Applicants have further provided a new abstract that is more consistent with the presently claimed invention.

Accordingly, Applicants have provided a clear evidentiary basis supporting the patentability of all the claims in the present application and respectfully request an indication to such effect in due course.

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Should the Examiner have any questions or comments regarding this Amendment, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
M. UESUGI et al.



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